

DETAILED ACTION

Notice to Applicant

1. This action is in response to Amendment and Remarks filed 26 June 2008.

Claims 1-4, 6, 9, 11, 12, 14-17 and 19-21 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambright (2003/0018496) in view of Fitzgerald (2003/0191669).
4. As per claim 1, Hambright teaches an automatically self-correcting billing system for accommodating change to charges associated with provision of healthcare to a patient to support payment monitoring, comprising:
an acquisition processor for acquiring data related to charges for at least one encounter of a particular patient with a healthcare provider organization (Hambright; Fig.1, Para. 14);

a source of rules for use in processing acquired charge data (Hambright; Para. 17);
a data processor for,
using acquired charge related data for creating a record grouping charges for provision of services associated with said at least one encounter and indicating an expected reimbursable amount value for the grouped charges, said charges being grouped using said rules to provide a reimbursable amount value expected from a payer organization (Hambright; para. 27),

Hambright does not expressly teach:

determining a change in records of said at least one encounter indicating a change in clinical service provided to said particular patient by said healthcare provider organization,
automatically updating the created record grouping charges for provision of services associated with said at least one encounter and updating the provided expected reimbursable amount value for the grouped charges in response to said change in clinical service and generating an invoice including said grouped charges; and a payment monitor for monitoring payments received for provision of services to said particular patient by comparing the updated expected reimbursable amount in the created record with an amount identified in a received payment remittance.

However these features are well known in the art as evidenced by Fitzgerald. In particular, Fitzgerald teaches a unit that automatically validates and corrects claim data

for provision of services to a patient (Fitzgerald; pg. 5, para. 30 and Fig. 4). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

5. As per claim 2, Hambright teaches wherein said data processor groups charges expected to be reimbursed by said payer organization in a single payment remittance received by said healthcare provider organization, said charges being grouped based on at least one of, (a) a single individual charge comprises a group, (b) charges are grouped together in a claim to be submitted to a payer organization and (c) charges are grouped together as an item among a plurality of items in a claim to be submitted to a payer organization (Hambright; Para. 17).

Hambright does not expressly teach said data processor automatically generating a corrected invoice in response to said change in clinical service. However this feature is well known in the art as evidenced by Fitzgerald. In particular, Fitzgerald teaches a unit that automatically validates and corrects claim data for provision of services to a patient (Fitzgerald; pg. 5, para. 30 and Fig. 4). Since the claimed invention is merely a combination of old elements, and in the combination each element merely

would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6. As per claim 3, Fitzgerald teaches said rules include interim billing and serial serial billing rules (Fitzgerald; para. 30).

7. As per claim 4, Fitzgerald teaches wherein in response to comparing the updated expected reimbursable amount in the created record with said amount identified in said received payment remittance, said payment monitor generates an indication identifying at least one of, (a) said expected reimbursable amount in said created record matches an amount identified in a received payment remittance and (b) said expected reimbursable amount in said created record fails to match an amount identified in received payment remittances and action is required (Fitzgerald; paras. 30, 38-40).

8. As per claim 5, Hambright teaches wherein said data processor reallocates a charge in said created record to a different second created record in response to a received message identifying an event (Hambright; paras. 37 and 41).

9. As per claim 6, Hambright teaches wherein said identified event comprises at least one of, (a) a change in said rules used in processing acquired charge data and (b)

an error in grouping said charges for provision of services in said created record (Hambright; paras. 37 and 41).

10. As per claim 7, Hambright teaches wherein said data processor creates said record by grouping charges in response to date of charge accrual and payer organization rules (Hambright; Fig. 1, para. 17).

11. As per claim 8, Hambright teaches wherein said payer organization rules comprise at least one of, (a) rules provided by a payer organization and (b) derived rules substituting for payer organization rules (Hambright; para. 17).

12. As per claim 9, Hambright teaches wherein said data processor creates said record by grouping charges in response to payer organization rules which at least one of, (a) group together charges accruing within a first predetermined time period for multiple encounters of said particular patient with said healthcare provider organization, (b) group together charges accruing within a second predetermined time period for a single encounter of said particular patient with said healthcare provider organization, said single encounter having a duration comprising a plurality of said second predetermined time periods, (c) group together charges accruing in response to a single encounter of said particular patient with said healthcare provider organization, and (d)

group together charges accruing in response to multiple encounters of said particular patient with said healthcare provider organization (Hambright; paras. 15, 17).

13. As per claim 10, Hambright teaches wherein said first predetermined time period and said second predetermined period comprise at least one of, (i) a day, (ii) a week, (iii) a month, (iv) multiple months and (v) a payer organization defined period (Hambright; Fig. 1, para. 17).

14. As per claim 11, Hambright teaches a system wherein:
said particular patient comprises a plurality of related patients (Hambright; paras. 14-15);
said acquisition processor acquires data related to charges for said at least one encounter of said plurality of related patients (Hambright; paras. 14-15), and
said data processor uses said acquired charge related data for creating a record grouping charges for provision of services to said plurality of related patients (Hambright; paras. 14-15).

15. Claims 12-21 contain substantially the same limitations as claims 1-11 and are taught by Hambright. The reasons for rejection are incorporated herein.

Response to Arguments

16. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHELLE LE** whose telephone number is (571) 272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald O'Connor can be reached on (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/M. L./
Examiner, Art Unit 3686
10/12/08

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686